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FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Edward M. Bernstein and Associates, Inc.)
 Edward M. Bernstein)
 A Lot of People Supporting Ed Bernstein)
 and Michael W. Kern, as treasurer)

2004 APR 26 A 11:31
MUR 4999**SENSITIVE**

GENERAL COUNSEL'S REPORT #3

I. ACTIONS RECOMMENDED

Accept the attached signed conciliation agreement with Edward M. Bernstein and Associates, Inc., Edward M. Bernstein, A Lot of People Supporting Ed Bernstein, and Michael W. Kern, as treasurer ("Respondents") and close the file in this matter.

II. BACKGROUND

On October 15, 2003, the Commission authorized this Office to engage in settlement discussions with Respondents with the goal of negotiating a pre-probable cause conciliation agreement that includes a recitation of facts demonstrating that Respondents were engaged in coordinated activities, admissions that Respondents violated the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations, and a civil penalty.¹

For the reasons

explained below, this Office recommends that the Commission accept the attached signed conciliation agreement and close the file.

¹ At that time, the Commission also approved subpoenas for depositions and production of documents to several individuals in connection with MUR 4999.

24-000000-4469

This Office believes that the overall attached agreement sufficiently presents the critical facts and the violations, provides for a substantial civil penalty, and holds the Respondents accountable for their actions. Therefore, this Office recommends that the Commission accept the attached conciliation agreement with Edward M. Bernstein and Associates, Inc., Edward M. Bernstein, A Lot of People Supporting Ed Bernstein, and Michael W. Kern, as treasurer and close the file.

IV. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Edward M. Bernstein and Associates, Inc., Edward M. Bernstein, A Lot of People Supporting Ed Bernstein, and Michael W. Kern, as treasurer.
2. Close the file.
3. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

Rhonda J. Vosdingh
Associate General Counsel
for Enforcement

4/26/04
Date

BY:

Cynthia E. Tompkins
Cynthia E. Tompkins
Assistant General Counsel

Roy Q. Luckett
Roy Q. Luckett *by CET*
Attorney

- 1 Attachment:
- 2
- 3 1. Conciliation Agreement

24-03-2017 14:51